

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

JAMIE CASTILLIAN ROGERS,
Petitioner(s),

CASE NO.: 4:04-CV-40181-FL
CRIM.NO.: 4:02-CR-50035-1FL

vs.

HON. PAUL V. GADOLA
MAG. JUDGE WALLACE CAPEL, JR.,

UNITED STATES OF AMERICA,
Respondent.

_____ /

ORDER HOLDING IN ABEYANCE
PETITIONER'S MOTION TO VACATE SENTENCE
UNDER 28 U.S.C. § 2255

This matter is before the Court on the Petitioner's "Motion To Have Pending Motion To Vacate Sentence Under 28 U.S.C. § 2255 Held in Abeyance," filed on August 15, 2006.

In support of his motion, the Petitioner states that the current issue pending before this Court is the applicability of *Blakely* and its progeny, including *United States v Booker*, 543 US 220 (2005) to a case that is on collateral review. Petitioner further states that this issue is now before the United States Supreme Court in a different case, *Burton v Waddington* (05-0222, Writ of Certiorari, granted June 5, 2006).

Having reviewed the motion, and the reasons stated therein, the motion to stay is hereby **GRANTED.**

This matter shall be and is hereby stayed pending resolution of the issue before the United States Supreme Court. Counsel for Petitioner shall notify the Magistrate Judge's office of the decision rendered by the United States Supreme Court, and this matter shall then be placed back on the Court's docket for review.

IT IS SO ORDERED.

The parties are hereby informed that any objection to this order must be filed with the district court within ten days after being served with a copy thereof, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

DATED: August 16, 2006

s/ Wallace Capel, Jr.
WALLACE CAPEL, JR.
United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that on August 16, 2006, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Mark C. Jones, AUSA, Edward C. Wishnow, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: not applicable.

s/ James P. Peltier
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